SENATE AMENDMENTS

2nd Printing

By: Price H.B. No. 1717

A BILL TO BE ENTITLED

1	AN ACT
2	relating to the continuation and functions of the Texas Board of
3	Architectural Examiners; changing certain fees.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. Section 1051.003, Occupations Code, is amended
6	to read as follows:
7	Sec. 1051.003. APPLICATION OF SUNSET ACT. The Texas Board
8	of Architectural Examiners is subject to Chapter 325, Government
9	Code (Texas Sunset Act). Unless continued in existence as provided
10	by that chapter, the board is abolished and this subtitle expires
11	September 1, <u>2025</u> [2013].
12	SECTION 2. Subchapter F, Chapter 1051, Occupations Code, is
13	amended by adding Section 1051.3041 to read as follows:
14	Sec. 1051.3041. CRIMINAL HISTORY RECORD INFORMATION
15	REQUIREMENT FOR REGISTRATION. (a) The board shall require that an
16	applicant for a certificate of registration submit a complete and
17	legible set of fingerprints, on a form prescribed by the board, to
18	the board or to the Department of Public Safety for the purpose of
19	obtaining criminal history record information from the Department
20	of Public Safety and the Federal Bureau of Investigation.
21	(b) The board may not issue a certificate of registration to
22	a person who does not comply with the requirement of Subsection (a).
23	(c) The board shall conduct a criminal history check of each

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applicant for a certificate of registration using information:

- 1 (1) provided by the individual under this section; and
- 2 (2) made available to the board by the Department of
- 3 Public Safety, the Federal Bureau of Investigation, and any other
- 4 criminal justice agency under Chapter 411, Government Code.
- 5 (d) The board may:
- 6 (1) enter into an agreement with the Department of
- 7 Public Safety to administer a criminal history check required under
- 8 this section; and
- 9 (2) authorize the Department of Public Safety to
- 10 collect from each applicant the costs incurred by the Department of
- 11 Public Safety in conducting the criminal history check.
- 12 SECTION 3. Section 1051.351, Occupations Code, is amended
- 13 by adding Subsection (c-1) to read as follows:
- 14 (c-1) Notwithstanding Subsection (a), a person who holds a
- 15 certificate of registration issued under Chapter 1053 without
- 16 examination may not renew the certificate on or after September 1,
- 17 2016, unless, before September 1, 2016, the person has passed the
- 18 registration examination adopted by the board under Section
- 19 1053.154 and in effect on September 1, 2013. This subsection
- 20 expires January 1, 2018.
- SECTION 4. Sections 1051.353(b), (c), and (e), Occupations
- 22 Code, are amended to read as follows:
- 23 (b) A person whose certificate of registration has been
- 24 expired for 90 days or less may renew the certificate by paying to
- 25 the board a renewal fee that is equal to 1-1/2 times the [normally]
- 26 required renewal fee set by the board under Section 1051.651(b).
- 27 (c) A person whose certificate of registration has been

- 1 expired for more than 90 days but less than two years may renew the
- 2 certificate by paying to the board a renewal fee equal to two times
- 3 the [normally] required renewal fee set by the board under Section
- 4 1051.651(b).
- 5 (e) A person who was registered in this state, moved to
- 6 another state, and is currently licensed or registered and has been
- 7 in practice in the other state for the two years preceding the date
- 8 of the application may obtain a new certificate of registration
- 9 without reexamination. The person must pay to the board a fee that
- 10 is equal to two times the [normally] required renewal fee set by the
- 11 board under Section 1051.651(b) for the certificate of
- 12 registration.
- SECTION 5. Subchapter G, Chapter 1051, Occupations Code, is
- 14 amended by adding Section 1051.3531 to read as follows:
- 15 <u>Sec. 1051.3531. CRIMINAL HISTORY RECORD INFORMATION</u>
- 16 REQUIREMENT FOR RENEWAL. (a) An applicant renewing a certificate
- 17 of registration shall submit a complete and legible set of
- 18 fingerprints for purposes of performing a criminal history check of
- 19 the applicant as provided by Section 1051.3041.
- 20 (b) The board may not renew the certificate of registration
- 21 of a person who does not comply with the requirement of Subsection
- 22 (a).
- 23 <u>(c) A holder of a certificate of registration is not</u>
- 24 required to submit fingerprints under this section for the renewal
- 25 of the certificate of registration if the holder has previously
- 26 <u>submitted fingerprints under:</u>
- 27 (1) Section 1051.3041 for the initial issuance of the

- 1 certificate of registration; or
- 2 (2) this section as part of a prior renewal of a
- 3 certificate of registration.
- 4 SECTION 6. Section 1051.452(a), Occupations Code, is
- 5 amended to read as follows:
- 6 (a) The amount of an administrative penalty may not exceed
- 7 \$5,000 for each violation. Each day a violation continues or occurs
- 8 is a separate violation for purposes of imposing a penalty.
- 9 SECTION 7. Section 1051.652(a), Occupations Code, is
- 10 amended to read as follows:
- 11 (a) The fee for the issuance of a certificate of
- 12 registration under this chapter [to an applicant possessing a
- 13 license or certificate to practice architecture in another state]
- 14 and the fee for the renewal of a certificate of registration under
- 15 this chapter are increased by \$200.
- SECTION 8. Section 1053.158, Occupations Code, is repealed.
- SECTION 9. (a) Not later than December 1, 2013, the Texas
- 18 Board of Architectural Examiners shall adopt rules necessary to
- 19 implement the changes in law made by this Act to Chapter 1051,
- 20 Occupations Code.
- 21 (b) Sections 1051.3041 and 1051.3531, Occupations Code, as
- 22 added by this Act, and Sections 1051.353 and 1051.652, Occupations
- 23 Code, as amended by this Act, apply only to an application for a
- 24 certificate of registration or renewal of a certificate of
- 25 registration filed with the Texas Board of Architectural Examiners
- 26 on or after January 1, 2014. An application filed before that date
- 27 is governed by the law in effect at the time the application was

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- 1 filed, and the former law is continued in effect for that purpose.
- 2 (c) Section 1051.452(a), Occupations Code, as amended by
- 3 this Act, applies only to a violation of Subtitle B, Title 6,
- 4 Occupations Code, committed on or after the effective date of this
- 5 Act. A violation committed before that date is governed by the law
- 6 in effect at the time the violation was committed, and the former
- 7 law is continued in effect for that purpose.
- 8 SECTION 10. This Act takes effect September 1, 2013.

FLOOR AMENDMENT NO.



- 1 Amend H.B. 1717 (senate committee printing) in SECTION 3 of
- 2 the bill, in proposed Section 1051.351(c-1), Occupations Code
- 3 (page 1), as follows:
- 4 (1) On line 58, strike each instance of "2016" and
- 5 substitute "2017".
- 6 (2) On line 60, strike "September 1, 2013" and substitute
- 7 "January 1, 2014".
- 8 (3) On line 61, strike "2018" and substitute "2019".

ADOPTED

MAY 1 3 2013

Letay Secretary of the Senate

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 14, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1717 by Price (Relating to the continuation and functions of the Texas Board of

Architectural Examiners; changing certain fees.), As Passed 2nd House

Estimated Two-year Net Impact to General Revenue Related Funds for HB1717, As Passed 2nd House: a positive impact of \$112,000 through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	\$56,000
2015	\$56,000
2016	\$56,000
2017	\$56,000
2018	\$56,000

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from General Revenue Fund 1	Probable Revenue Gain/(Loss) from Foundation School Fund 193
2014	\$42,000	\$14,000
2015	\$42,000	\$14,000
2016	\$42,000	\$14,000
2017	\$42,000	\$14,000
2018	\$42,000	\$14,000

Fiscal Analysis

The bill would amend the Occupations Code relating to the continuation and functions of the Texas Board of Architectural Engineers (BAE). The bill would change the BAE's sunset date to September 1, 2025, continuing the agency for another 12 years. The bill would require grandfathered registered interior designers to pass the Board's required exam within the three years of the bills effective date to be able to renew their registrations. The bill would direct the BAE to collect the \$200 professional fee at the initial registration for all architects. The bill would require the BAE to adopt certain policies, conduct fingerprint criminal record information checks through the Department of Public Safety (DPS), and to review complete federal and state criminal histories on all applicants and current licensees.

The bill would take effect September 1, 2013.

Methodology

Applicant data gathered by Sunset Advisory Commission staff was considered for the purposes of this analysis.

The \$200 professional fee that is collected includes \$150 that is deposited to General Revenue and \$50 that is deposited to the Foundation School Fund. In accordance with the provisions of the bill, the Sunset Advisory Commission estimates that the \$200 professional fee would be collected from an estimated 278 applicants that, based on the average number of new architects obtaining certificates of registration over the past five years, would result in an annual gain of approximately \$42,000 to General Revenue and \$14,000 to the Foundation School Fund. These amounts are reflected in the table above.

Under the provisions of the bill, DPS would be authorized to collect fees associated with criminal record information checks from license applicants and licensees applying for a license. According to DPS, the current cost for a criminal record information check is \$31.50. Of this amount, \$14.50 is sent to the Federal Bureau of Investigation for its processing fee and DPS retains \$17 to cover its processing costs. The revenues retained by DPS are not considered in the table above because they are appropriated upon receipt to DPS for the purposes of covering the cost of providing the criminal record information checks. These revenues are considered as Appropriated Receipts (or Other Funds) in the General Appropriations Act.

Based on information provided by DPS, this analysis assumes that duties and responsibilities associated with implementing the provisions of the bill could be covered within existing resources.

Fiscal impacts of costs and revenues that may be generated in association with implementing the provisions of the bill for the BAE are not considered in this analysis because any fiscal impacts for this agency would be realized outside of the Treasury due to the agency being Self-Directed and Semi-Independent.

This analysis does not consider fiscal impacts from grandfathered interior designers who would not renew their registrations by September 1, 2017. The provisions of the bill would require those who hold a license under Section 1053.154 to retake an examination in order to maintain their license. The inability to accurately estimate the potential loss of registered interior designers who do not want to retake an examination and the natural attrition among the grandfathered interior designers cannot be determined.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 459 Board of Architectural Examiners,

304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: UP, RB, MW, CWS

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 2, 2013

TO: Honorable John Carona, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1717 by Price (Relating to the continuation and functions of the Texas Board of

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116 Sunset Advisory Commission, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 459 Board of Architectural Examiners Source Agencies:

LBB Staff: UP, RB, MW, CWS

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 26, 2013

TO: Honorable Wayne Smith, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1717 by Price (Relating to the continuation and functions of the Texas Board of Architectural Examiners; changing certain fees.), **As Introduced**

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